

October 11, 2006

PERSONNEL COMMITTEE REPORT

The Personnel Committee met Monday, October 11, 2006 at 3:00 p.m., in the QC Meeting Room, Third Floor, County Administration Building, 215 East Central, Bentonville

Committee Members Present: Allen, Harrison, Hill, Sheridan, Stephenson, Tharp, Wolfe

Others Present: Assessor Shirley Sandlin, Collector Greg Hoggatt, Jay Saxton, Petie Cobb, Ed Gartin, Chief Don Townsend, Captain Hunter Petray, Captain Mike Sydoriak, Barb Ludwig, Richard McComas

Media: None

Chair Robert Stephenson called the meeting to order, and read a document provided by the Arkansas Association of Quorum Courts which described how the financial obligations of the Quorum Court are spelled out in the State law, and divided into expenditures that are mandatory ("shall"), and those that are desirable ("may").

PUBLIC COMMENTS:

None

1. OLD BUSINESS:

None

2. NEW BUSINESS:

A. Requests for Additional Staffing and New Positions for 2007 Budget

Human Resources Director Barbara Ludwig stated that all of the Elected Officials and Department heads have been asked to make their own presentations justifying their requests for additional personnel for 2007, and she will discuss the reorganizations, regrades, and wage adjustments after they have heard from everyone else.

1. Departments 05/67 – Sheriff's Office/County Jail

a) Captain – Administration (Ranked 4th at Mid-year)

Major Gene Townsend stated that Sheriff Keith Ferguson is attending a Law Enforcement Summit with the Attorney General in Little Rock. Major Townsend stated that they are requesting a new Captain position in Administration, and explained how growth in the County has affected them. He said they handle all civil papers and lawsuits, and lawsuits are more likely in these two areas than they are in the field. He said that for instance, if they fail to serve an execution for \$500,000 within the allotted time, which may be 30, 45, or 60 days, they are liable for the entire amount. He said they currently have a backlog of 8,600, and the present staff is working 10 hours a day, which is running up overtime costs. He said they need another supervisor to constantly verify the warrants and civil documents which come in everyday from the courts and various attorneys. JP Tharp asked how much overtime they are paying. Barbara Ludwig stated that it is approximately 30 hours per week straight time. JP Tharp asked if the new position would eliminate the need for overtime. Major Townsend stated that they are going to ask for an additional staff person, and hope that they will not have to spend as much on overtime, but he does

not want to promise that they can eliminate it altogether. JP Tharp apologized for getting into financial issues. Captain Mike Sydoriak stated that it takes 25 minutes to process a warrant, and one week they processed 208 warrants, but received 491. He said the next week they processed 114, but received 62, which left them with a deficit of 231 at getting the warrants into the system, and that is on top of the 8,600 that are backlogged. He said that does not include civil processes, subpoenas, and jury summons. JP Tharp asked if they could use temporary staffing. Captain Sydoriak stated there are confidentiality issues. JP Stephenson stated that it was not necessarily a bad thing to consider finances at this time, since they are looking at a position which may eliminate some expenditures. JP Hill asked how much expenditure would be eliminated. Major Townsend stated that will depend on how many new positions they add. He said he thinks they can eliminate the overtime with two more people in that division, because they would like to develop a second shift. He said he could not make any guarantees, because they do not know from day to day what kind of workload will be coming in. JP Allen stated that they are not necessarily talking about cost savings, but are addressing a need. Major Townsend stated that he is not claiming to save the county any money, but if they drop the ball on one of these process executions, the cost could be millions of dollars. JP Allen stated that is a very great need and if they do not pay attention to it, the situation will get worse and worse. Major Townsend also explained that if warrants are not entered into the system, a deputy could accidentally violate a persons civil rights by arresting them on a warrant that is not valid because it was already served. JP Stephenson asked if he also is addressing the Warrants Secretary position. Major Townsend stated that he is. JP Stephenson stated that the Captain position is at \$51,828, and the Warrants Secretary position is at \$34,413. Barbara Ludwig stated that those numbers included benefits.

b) Crime Property Technician (Ranked 3rd Mid-year)

Captain Mike Sydoriak stated that there is someone who is handling the evidence and is under his supervision, but the position was taken from the Jail staff. He said that they have updated their evidence building, and the evidence technician also takes evidence to Little Rock, assists victims with the return of the property, goes to crime scenes to assist in the gathering of evidence, and assists the Deputies in packaging their evidence using Crime Lab standards. He said that if it is not done correctly, the Crime Lab will not accept it, and they are now using computers and bar codes to keep track of the evidence. JP Stephenson asked if they are actually talking about the transfer of an employee from one department to another, or is it an additional person. Major Townsend stated that it will be an additional person in Department 05, and right now the person is being paid out of Department 67. He said it is important to maintain a chain of custody for evidence, because it is one of the first things a lawyer looks at. He said they are not making wishes, they actually need the positions.

c) Two (2) Sheriff's Deputies

Major Townsend stated that they need to increase patrol. Captain Brewster stated that they need a Field Deputy at Grade 11, to assist in process serving, because they have been taking Field Deputies off of patrol to do it. He said the second Deputy is needed because 3.9 million people visit Beaver Lake each year and crime continues to increase on the lake. He said they currently depend totally on the Part-time II Division to patrol the lake, and need a person to work strictly on the lake during the

boating season, and on catching up on some of the process backlog during the other 6 months.

d) Four (4) Transport Deputies (Ranked 2nd, 6th, and tied for 8th at Mid-year)

Major Townsend reminded the committee that if someone is arrested by the city police and then flee, the Sheriff's Department is responsible for bringing them back to Benton County, and many states have laws that require a prisoner to be picked up within 5 days, or they are released. He said this sometimes causes a Deputy to be pulled from patrol duty to make a 3-day trip to retrieve a prisoner. He said they are also responsible for transporting the prisoners to court, and for guarding them while they are there. JP Wolf asked if they are not using the courtroom at the Jail. Captain Hunter Petray stated that they use it only for bond hearings. Major Townsend stated that in a high-profile trial, they can see how many deputies are needed to escort prisoners. He said that occasionally all the District Courts have held proceedings on the same day, and they have to have a deputy in every courtroom. He said that Sheriff Ferguson is very concerned that the citizens are being cheated because deputies have to be pulled off of patrol, and he plans to appeal to Governor Huckabee. Captain Petray noted that Washington County just approved 4 new transport deputies, bringing the total to 16, and Benton County currently has 6. He said their duty is to protect the citizens, and when they bring 50 inmates with 2 or 3 deputies, he does not feel that is enough. JP Allen stated that he did not want to seem critical, but he did not often see patrol deputies out in the county. Major Townsend stated that Sheriff Ferguson prefers the Deputies to patrol the county roads rather than State highways and city streets which are covered by other agencies. JP Wolf stated that it should be noted that the Deputies have no backup. Major Townsend pointed out that there are now multiple developments in the county, and a deputy might have 2 or 3 calls from the same development. JP Stephenson said there are just not enough bodies to cover the square mileage of the county. Major Townsend stated that Sheriff Ferguson certainly realizes the predicament that the county is in, especially with the possible incorporation of Bella Vista, but he wants the Quorum Court to understand the dire needs of the department. JP Allen stated that growth has caused problems for every department in the county, because more people are living out in the county now. He said the bottom line is that at some point, the Quorum Court will have to find a way to provide protection for the people.

e) Jail Deputy – Work Detail (Ranked 7th Mid-year)

Captain Petray stated that the Work Detail Deputy position is currently being filled by a Jail Deputy due to need. He said the position was at one time partially funded by Wal-Mart, and when the funding ceased, the decision was made to continue the program because they did not want 540 to become trashy. He said they also clean up along Highway 94, Highway 12, and in various communities. He said that the program is very beneficial, but the Jail inmate population is currently at 410, and they need those deputies back in the Jail. JP Hill stated that the Part-time II officers are trained and have equipment, so could they be shifted around to fill the vacancies that are there. Major Townsend stated that they could not, because they are only required to put in so many hours per month, and they cannot come in for 2 or 3 hours at a time to work in the jail. He said the scheduling would be fragmented because they donate their time and some have other jobs. He added that they would also have to be sent to school to become Jail Deputies. JP Stephenson stated that the positions in the Sheriff's Office and Jail combined would total \$434,275.

3. Department 06 – Collector

a) One (1) Deputy Collector I

Collector Greg Hoggatt stated that he cannot staff the office in Rogers without an additional person, because they do not have any personnel to spare. He said it will be difficult for one person alone, but he wants to wait to see how the traffic flow even out with the 28th Street office before asking for another person. JP Tharp asked if this is a commissioned account. Greg Hoggatt stated that it is. Comptroller Richard McComas explained how the commissioned accounts receive funds, and how the money is disbursed to the various taxing units.

4. Department 07 – Assessor

a) Three (3) Business/Personal Property Appraisers

b) Four (4) Appraiser Assistants

c) One (1) Deputy Assessor – Personal Property

d) One (1) Software Application Specialist

Assessor Shirley Sandlin distributed packets illustrating the increase in real estate in Benton County over the last 12 years. She said that in addition to this being a commissioned account, they receive approximately \$750,000 from state money to fund Appraisal, and they are now getting a stipend to offset the Homestead Exemption expense. She said they are implementing new hardware and software which will keep the growth in the future from being quite as drastic. She said she is losing approximately 20 years of experience in the field due to upward progression, because one person is filling her position, and another person will fill the one that he is vacating. She said that will slow down production. JP Sheridan stated that the total compensation for the requested positions is \$325,000, and asked if that is totally or partly covered by commissions. She said it is totally commissions, except for the County's percentage, which she believes will be less than 8% because of the additional money they receive from the State. Shirley Sandlin and Comptroller Richard McComas explained how commissioned accounts are funded. JP Allen stated that if they could get the legislature to change the Constitution in order to collect taxes in the same year they are assessed, it would help the Assessor a great deal. Shirley Sandlin stated that it would help all of Benton County. JP Sheridan stated that he has tried to follow a little bit of what the Assessor's Office does, and he believes that with the growth in Benton County, they need every bit of help they are asking for. Shirley Sandlin stated that not only are there more houses, but they are much more complex, making them harder to measure, than when she first started.

5. Department 19 – Human Resources

County Wide Clerical Pool

Human Resources Director Barbara Ludwig stated that three departments had planned to request part-time clerical staff, but she asked that they be put on hold until they see if a county wide clerical pool could work instead. She said the way she sees it working is that they would hire up to 6 people to work part-time, and they would sometimes work 40-hour weeks to cover for vacation and illness. She suggested that they assign two people to the courts area, two people to the financial area, such as the Collector's office, and two for other areas. She said this would allow them to become more familiar with the practices in the offices that they are most often assigned to.

She said they have done this at Arvest, and the pool employees carry a file with instructions for the various activities. She said she anticipates the position to be a Clerical position at Grade 6, which is equivalent to a Legal Secretary I. She said another reason to limit them to specific areas would be to develop relationships, so they would feel like they belong somewhere. She also said that it would be a good source of permanent employees when positions become open. JP Sheridan asked how many hours a person can work and still qualify as part time. Barbara Ludwig stated 36, and they have to work for 190 days. She said she does not plan to hire all 6 people at once, but plans to phase them in gradually to see how it works. JP Tharp asked if the people will be paid at a certain grade level, regardless of which department they work for. Barbara Ludwig stated that was correct. JP Tharp stated that it is an excellent idea, and that it should be given a year to see if it works. JP Wolf asked what the consensus of the Elected Officials and Department Heads was. Barbara Ludwig stated that some still need convincing, and feel that their procedures are too technical, but that when they need help right away, they may try it. JP Tharp asked where they would most likely be working. Barbara Ludwig stated that Judge Duncan, the Health Department, and the Election Commission were the departments who had asked for part-time clerical positions. Comptroller Richard McComas noted that when they use temporary employees and find one they want to hire, they have to wait several months before hiring them to avoid paying the finder's fee to the temporary service company. Barbara Ludwig stated that the Human Resources Department would be happy to occasionally have someone just to answer the phone and help with filing. JP Stephenson stated that he thought the County Clerk's office was interested in some part time help to split between the two satellite offices. Barbara Ludwig stated that if a person works on a regular basis of 20 hours per week or more, they are eligible for the County's retirement fund, and half the vacation pay.

6. Department 20 – Juvenile Probation (Ranked 1st Mid-year)

a) One (1) Juvenile Probation Officer

Juvenile Probation Director Petie Cobb distributed a handout showing the increase in the average number of cases per month over the last 10 years. She stated that the current average caseload per officer can vary between 72 and 82 cases.. She said that they need another juvenile probation officer, and after the position is in place for one year, the state will reimburse half of the salary. She said that they were given a position last year, but lost a grant position so there was no net gain in personnel. JP Tharp stated that they are dealing with young people's lives, so this is very important.

7. Department 23 – Maintenance

a) Electrical/HVAC Technician

Maintenance Manager Mike McGinnis stated that many on the Committee are aware of the need for new wiring in the Courthouse, and hiring a master electrician to work on it full time will be much cheaper than paying an outside company to do it. He said that they are not even able to get a firm bid on the project, because of the variables involved. He said that they would also be able to change out air conditioner units, because there is wiring involved that they have not been able to do themselves. He said that just one call to repair a traffic light was several hundred dollars, and the cost of the salary will be less than the cost of jobbing out repairs. JP Tharp asked if the salary was high enough. Mike McGinnis stated that he thought it was, because when

independent electricians work for contractors, there are no benefits. JP Wolf stated that they would save on just the labor costs by having someone here full time, and if there had been someone taking care of the courthouse wiring in the past, they would not be in the position they are now. She asked if there would be enough work to keep this person busy full time. Mike McGinnis stated that they definitely would, and that it takes 3 months just to clean the air conditioning equipment.

8. Department 44 – Road

a) Maintenance – Sign Shop

Barbara Ludwig stated that Dennis Greenlee could not be present, but he is asking for an additional person in the Sign Shop. She said they are 3 to 4 weeks behind in sign requests, and if they add a position, one person could be kept busy full time just putting them up. She said that the sign orders come through the 9-1-1 Department, and they are starting to receive calls complaining about the absence of signs, especially in the new subdivisions. JP Sheridan asked if some of the part-time people could be used in this position. Barbara Ludwig stated that they have to be able to cut metal. JP Sheridan stated that he thought they bought the forms already cut out, and just had to stamp the letters on them. JP Allen stated that they could probably contract out with a sign company when they face a critical need, and it would still be cheaper than paying a full time employee over the course of a year. He also suggested billing the cities that annex subdivisions after the County has put up all of the signs. JP Allen stated that he wanted to be sure they have explored buying the signs instead of making them, because he cannot believe that they spend \$30,000 a year on signs. JP Tharp asked if inmate labor could be used. Major Townsend stated that Sheriff Ferguson is working on a program with the judges where a person could be assigned County Service rather than Community Service instead of jail, and those people might be available. JP Sheridan stated that they would need more information before they looked at this position very hard. Barbara Ludwig stated that if they did not need the staffing, they would not be running 3 to 4 weeks behind.

9. Department 49 – Information Systems

a) Webmaster

Darryl Marks stated that they cannot really assign dollars that are coming back into the county to the position of webmaster, but as more work is put into the website, efficiency will increase and foot traffic will decrease, and that will benefit the entire county. He cited 2004 data that showed over a third of the public uses the internet to pay government fees, and he is sure it has increased since then. He said it is important that the information on the internet be accurate, so that people know it can be trusted, and that services are being provided to them. JP Allen said he used it to pay his taxes, and it was a lifesaver when he saw the line in the lobby. He said he was annoyed at having to pay the convenience fee, and asked Richard McComas how much the county made from the fee. Richard McComas stated that the county does not receive any of that money—it all goes to the credit card companies. Darryl Marks said they are currently testing a deeds and mortgages program which will recover enough costs to cover this position. He said that they have hired someone through Kelly Services who is working on the website, and that will be another cost savings if the position is added. JP Sheridan asked how much they have spent on temporary services so far. Richard McComas stated approximately \$30,000.

The committee recessed.

Committee back in session.

10. Department 50 – Public Defender

a) One (1) Deputy Public Defender

Jay Saxton stated that he had asked for a Deputy Public Defender in the 2006 Budget, and again at mid-year. He said that the new position will be assigned to Circuit Court Division 3, and handle juvenile cases only. He reminded JP Tharp that he had expressed concern about kids' lives, and that is what this position is for. He said this Division has grown faster than any other court, which is obvious since Judge Finch and the Juvenile Probation Department are also asking for more personnel. He said that cases move through Juvenile Court faster than regular civil or criminal court, sometimes in as little as 3 days, so it is very intense. He said that he has one attorney who works full time in the Juvenile division and handles about 80% of the juvenile cases. He said that another full time attorney handles all of the drug cases and the Department of Human Services cases. He said there is one part-time attorney who handles 45 to 55 cases at a time, plus a full time felony caseload out of Division 1. He said he works part time in Division 2, due to his administrative duties, along with 2 full time attorneys, and there are 2 full time attorneys and 1 part time in Division 1. He said they have spread the manpower around, but there is not enough to take care of Juvenile Court, which at the present time is handling 400 cases. He said 1 attorney is handling an average of 275 cases, and he would like another Deputy Public Defender to relieve at least half of the caseload in Division 3. JP Sheridan asked if there are any grants or State funds available. Jay Saxton stated that he is always on the lookout for some, but there is not much grant money available for Public Defenders. He said they have requested money from the State of Arkansas for several years, but the requests have been denied. He said there are some grants available in the Drug Court area, and it does pay for some of the work that his office does for them. JP Tharp asked if Division 3 is the Juvenile Court. Jay Saxton stated that it handles all juvenile cases, in addition to all Families in Need of Services cases. He said that in comparison, Divisions 1 and 2 do most of the civil and felony work, and he splits his own caseload between the two. He explained that neither of these two Divisions hold court every week, because they have to alternate between civil and criminal cases, but that he has attorneys in Division 3 court every day. He said they have an agreement with the Juvenile Probation Department and Judge Finch to set aside one day a week in order for the one attorney to meet with clients and prepare for the next weeks' hearings, and she is in court the other 4 days of the week. He said she is in the office until 7:30 or 8:30 p.m. every night preparing for the next days' cases. JP Tharp asked if they have office space for an additional person. Jay Saxton stated that they have the office space and equipment because they have been hoping for this position for a long time. JP Tharp stated that his heart goes out to the kids involved with DHS, and they need to do what they can for them.

JP Wolf asked if other attorneys can be appointed by the Judge to handle a defense. Jay Saxton stated that if the judge deems it necessary because the Public Defender's caseload is overloaded, private attorneys may be appointed. He said that could end up costing the county a lot more than this position, because the least a private attorney

would cost per case would be about \$300, and could run into thousands of dollars in a lengthy, serious case. Jay Saxton stated that if 25 cases per month were assigned to private attorneys, it could cost the county \$90,000 per year, and he can hire one person who would handle between 150 and 175 cases a month.

11. Department 64 – Judge Finch

a) Court Order Clerk/Legal Secretary

Judge Jay Finch stated that the cases his court hears fall somewhere between the purely domestic issues of Divisions 4 and 5 and the criminal issues in Divisions 1 and 2. He said that he handles all juvenile cases, including delinquencies, dependency neglect, Families in Need of Services, in addition to the Juvenile Drug Court. He stated that he also handles juveniles who are charged as adults, which then become his adult docket. He said that he also handles Drug Court, which he is not complaining about because he volunteered for it, because he saw a lot of kids in foster care whose parents were in jail because of drug use and wanted to try to reunite the family. He said that every judge handles 20% of the civil cases, and a rule was recently adopted that if a domestic relations case is filed in a family where there is already an open FINS or dependency neglect case, the domestic relations case comes to him.

Judge Finch stated that he is asking for a Court Order Clerk to assist his Case Coordinator. He said that Divisions 1 and 2 already have clerks, and they tried to avoid having to ask for this position by assigning additional duties to the Bailiff. He said that unfortunately, it has become overwhelming because of scheduling and the very specific guidelines that they have to operate under when dealing with children in foster care. He said that after a child has been removed from a home, the parent has one year to correct the problems, and if that does not occur, he has to terminate parental rights and find permanent placement for the child, either through adoption, guardianship, or some other custody arrangement. He said in these cases they are required to produce the orders as they are having the hearing, so the court reporter has received training on equipment that will produce them as he is speaking. He said that one of the things he needs the clerk for is to take the orders, check them for accuracy, and then distribute them. He said the Case Coordinator is busy trying to schedule all of the cases, field calls from 300 potential jurors, and find courtroom space when he has a jury trial, because his courtroom does not have a jury box. Once the trial is scheduled, she has to notify the involved parties to let them know when and where the trial will be held. He said he wanted them to understand that the docket is difficult to handle, and getting more so. He needs someone to help answer the phone, enter the dockets, produce judgment and commitment forms, prepare bench orders, DCFS orders, and to keep him informed about what all is going on. He distributed the current circuit court growth chart showing that 1,975 cases have been filed to date, and those are split among the 5 judges for approximately 400 cases each. He said there are 1,584 domestic relations cases split between 2 judges, 1,424 criminal cases split between 2 judges, and he has 1,039 juvenile court cases in addition to the 400 civil cases that are assigned to each judge. He said he has experienced a 12% increase in cases each of the last few years. Case Coordinator Bonnie Ridley added that she enters every pleading that is filed in the Circuit Clerk's office because of the confidentiality issues associated with juvenile court, in addition to answering the phone and arranging the civil docket.

JP Wolf asked what portion of the staff positions are funded by the State. Judge Finch stated that the State pays the salary of the Case Coordinator, the Court Reporter, and 50% of the Probation Officer, and the County pays the Bailiff's salary. JP Allen stated that he cannot believe this is all the help they need. Judge Finch stated that it is a very busy place, but they try to avoid becoming chaotic, which is why he is here.

JP Allen stated that he has heard great things about Drug Court, and asked if there would be cost savings down the road if the Drug Court could serve more people. Judge Finch explained that he could ask for large sums of money to hire enough counselors so that he could process 300 to 400 people through Drug Court, but he just cannot handle any more than the 50 or 60 that they currently have. He said that a new program called DARP has opened up in Decatur, and it allows him to expand the Drug Court capacity without doubling his docket or his counselor's caseload. JP Stephenson stated that it has been apparent to him for several years that incarceration is not the answer to treating drug and alcohol addictions. He said that Drug Courts are fascinating to him and the percentage of recovery is well above that of detention facilities. He said that the Quorum Court should be interested in finding out exactly what would be needed financially to expand the Drug Court program. Judge Finch stated that he has asked for and received another counselor from the Department of Community Corrections, but that person will not be on board until after the start of the next fiscal year, which is the first of July. He said that if the Quorum Court is interested in providing a counselor in the meantime, he could find a place for that person in the Juvenile Probation Department. He said there is no end to the demand for Drug Court, and he has had to add another day on the docket each month to deal with it. JP Wolf stated that she has worked with Petie Cobb and Judge Finch for years, and she knows that he would not come and ask for something unless it is needed, and this is not just a job to him. JP Allen stated that this is one of the most serious things they are facing as a County, and though he does not have much time left as a Justice of the Peace, he would be interested as a private citizen in seeing it expanded.

JP Tharp stated that he is overwhelmed after hearing from the Sheriff's Department and Judge Finch on the needs in the County that are beyond roads. He said he hoped they could do something to alleviate some of them, and asked if this was anything that one of the part time people could be used for. Barbara Ludwig stated that she believes the need in Judge Finch's office is full time. JP Stephenson asked that Judge Finch and Barbara Ludwig bring some figures to the Personnel Committee regarding what would be needed to expand the Drug Court program.

Barbara Ludwig stated that they have covered everything that will be on the ranking sheet. She suggested that the Committee bring their completed ranking sheets to the next meeting so they can be added up while they discuss the reorganizations and wage adjustments.

JP Stephenson announced that the next Personnel Meeting would be October 19, 2006 at 3:00 p.m.

After motion and second the meeting adjourned at 5:13 p.m.